

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ARCH INSURANCE COMPANY,

Plaintiff,

v.

Civil Action No. 2:23-CV-02689 JTF/cgc

Varsity Brand Holding Co., Inc.;
and U.S. All Star Federation, Inc.,

Defendants.

**DEFENDANT U.S. ALL STAR FEDERATION, INC.'S
UNOPPOSED MOTION AND SUPPORTING MEMORANDUM
FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND
TO PLAINTIFF'S COMPLAINT**

Defendant U.S. All Star Federation, Inc. ("USASF" or "Defendant"), by and through counsel, respectfully moves the Court for an extension of time, up to and including February 20, 2024, to answer or otherwise respond to Plaintiff's Complaint. In support of this unopposed Motion, USASF states as follows:

1. Plaintiff filed its Complaint on October 30, 2023, and served the Complaint on USASF on November 3, 2023.

2. In accordance with Federal Rule of Civil Procedure 12, USASF's responsive pleading would have been due on or about November 24, 2023; however, pursuant to Order (Document No. 22) entered on November 20, 2023, USASF's response date was extended to January 29, 2024.

3. On or about December 27, 2023, USASF retained undersigned counsel and a *Notice of Substitution of Counsel For Defendant U.S. All Star Federation, Inc.* (Document No. 35) was

filed with the Court on January 5, 2024, substituting undersigned counsel for former counsel, Kristin Newman.

4. As a result, additional time is needed to allow new counsel for USASF to investigate this matter in order to properly respond to the lengthy Complaint and explore possible defenses for approximately thirty (30) days, or through February 20, 2024.

5. Undersigned counsel for USASF consulted via phone and email with Plaintiff's counsel regarding an extension of time for USASF to respond to the Complaint.

6. As set forth in the Certificate of Consultation below, Plaintiff does not oppose USASF's requested extension of time.

7. This Motion for an Extension of Time is sought in good faith and not for the purpose of delay. This matter involves the issue of insurance coverage under numerous insurances policies extending over several years, as related to approximately ten (10) underlying Complaints filed in other jurisdictions and including over one hundred (100) Jane Doe Plaintiffs. This extension will allow USASF's newly retained counsel to investigate Plaintiff's claims and to better explore possible defenses. By way of further notation, there was a lengthy intervening holiday following counsel's retention. As Plaintiff's counsel has agreed to this extension of time, no party will be prejudiced by this extension of time.

8. By this Motion, Defendant does not waive any defenses it has or may have to the claims and allegations set forth in filing the Complaint, all of which are expressly reserved.

WHEREFORE, premises considered, Defendant U.S. All Star Federation, Inc. respectfully requests that the Court grant this Unopposed Motion and extend the time for Defendant to file its Answer or other responsive pleadings to Plaintiff's Complaint, up to and including February 20,

2024. A proposed Order granting this Motion is being submitted to the Court contemporaneously herewith.

Dated: January 10, 2024.

Respectfully submitted,

BURCH, PORTER & JOHNSON, PLLC

/s/ Melissa A. Maravich

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Attorney for Defendant U.S. All Star Federation, Inc.

CERTIFICATE OF CONSULTATION

Counsel for Defendant hereby certifies that she consulted with Ron Schiller and Sharon McKee, counsel for Plaintiff, via telephone and email to determine whether Plaintiff opposes the relief sought in this Motion. Plaintiff's counsel stated that Plaintiff does not oppose the relief requested in this Motion.

/s/ Melissa A. Maravich

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 10, 2024, the foregoing was filed electronically with the Court and has been served through the Court's ECF system on all counsel of record.

/s/ Melissa A. Maravich

Melissa A. Maravich (#13876)